

## **IC 33-1-7**

### **Chapter 7. State Public Defender**

#### **IC 33-1-7-1**

##### **Appointment; qualifications**

Sec. 1. There is hereby created the office of Public Defender. The public defender shall be appointed by the Supreme Court of the state of Indiana to serve at the pleasure of said court, for a term of four (4) years. He shall be a resident of the state of Indiana, and a practicing lawyer of this state for at least three (3) years. The Supreme Court is authorized to give such tests as it may deem proper to determine the fitness of any applicant for appointment.

*(Formerly: Acts 1945, c.38, s.1.)*

#### **IC 33-1-7-2**

##### **Representing penal institution inmates**

Sec. 2. (a) The state public defender shall represent any person confined in any penal facility of this state or committed to the department of correction due to a criminal conviction or delinquency adjudication who is financially unable to employ counsel, in any postconviction proceeding testing the legality of his conviction, commitment, or confinement, if the time for appeal has expired.

(b) The state public defender shall also represent any person committed to the department of correction due to a criminal conviction or delinquency adjudication who is financially unable to employ counsel, in proceedings before the department of correction or parole board, if the right to legal representation is established by law.

(c) This section does not require the state public defender to pursue a claim or defense that is not warranted under law and cannot be supported by a good faith argument for an extension, modification, or reversal of law, or that for any other reason is without merit.

(d) This section does not prohibit an offender from proceeding on his own behalf or otherwise refusing the services of the state public defender.

*(Formerly: Acts 1945, c.38, s.2.) As amended by Acts 1979, P.L.120, SEC.9; Acts 1982, P.L.190, SEC.1.*

#### **IC 33-1-7-3**

##### **Seal of office; powers of public defender**

Sec. 3. The public defender shall be provided with a seal of his office on which shall appear the words "Public Defender, State of Indiana." The public defender shall have the power to take acknowledgments, and administer oaths, and do all other acts now authorized by law for notary publics, Provided, each of said acts shall be attested by his official seal.

*(Formerly: Acts 1945, c.38, s.3.)*

#### **IC 33-1-7-4**

##### **Salary; employees; office and supplies**

Sec. 4. The public defender shall be paid an annual salary to be

fixed by the supreme court of this state. He may, with the consent of said court, appoint or employ such deputies, stenographers or other clerical help as may be required to discharge his duties at compensation to be fixed by the court. He shall be provided with an office at a place to be located and designated by the Supreme Court, and he shall be paid his actual necessary and reasonable traveling expenses, including cost of food and lodging when away from the municipality in which his office is located on business of the office of the public defender, and he shall be provided with office furniture, fixtures and equipment, books, stationery, printing services, postage and supplies.

*(Formerly: Acts 1945, c.38, s.4; Acts 1951, c.132, s.1.)*

### **IC 33-1-7-5**

#### **Transcript of court proceedings**

Sec. 5. The public defender may order on behalf of any prisoner he represents a transcript of any court proceeding, including evidence presented, had against any prisoner, and depositions, if necessary, at the expense of the state, but the public defender shall have authority to stipulate facts contained in the record of any court, or the substance of testimony presented or evidence heard involving any issue to be presented on behalf of any prisoner, without the same being fully transcribed.

*(Formerly: Acts 1945, c.38, s.5.)*

### **IC 33-1-7-6**

#### **Claims for salary or expenses; appropriation**

Sec. 6. All claims for salary or other expenses authorized by this chapter shall be allowed and approved by the Supreme Court. There is hereby appropriated annually out of funds of the state not otherwise appropriated a sufficient amount to pay salaries and expenses authorized by this chapter.

*(Formerly: Acts 1945, c.38, s.6.) As amended by Acts 1981, P.L.272, SEC.4.*